

RECEIVED

Before the

FEDERAL COMMUNICATIONS COMMISSION

JUL 19 1993

Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of
Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Rosendale, New York)

)
) MM Docket No. 93-17
) RM-8170
)
)
)

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

**MOTION FOR LEAVE TO RESPOND
TO "NATOLE'S COMMENTS ON SUNY
RESPONSE TO SHU/RSB SUPPLEMENTAL
REPLY COMMENTS" AND TO
"SUNY RESPONSE TO SHU/RSB
SUPPLEMENTAL REPLY COMMENTS"**

Sacred Heart University, Inc. ("SHU"), and Radio South Burlington, Inc. ("RSB"), jointly, by their counsel, hereby request leave to respond to the late filed pleadings submitted by Raymond H. Natole ("Natole") on July 2, 1993,^{1/} and by State University of New York ("SUNY") on May 27, 1993.^{2/} By filing this pleading, SHU/RSB has no desire to delay a final action by the staff. SHU/RSB is eager to see an expeditious resolution of

^{1/} This pleading is filed within 15 days of Natole's comments.

^{2/} SUNY failed to request leave to accept its late filed pleading by separate motion.

No. of Copies rec'd 044
List A B C D E

this proceeding. Notwithstanding, SHU/RSB are even more interested in a resolution which fairly considers all relevant material. SHU/RSB will confine itself to the recent filing by Natole requesting acceptance of his defective counterproposal and to SUNY's carefully phrased statements concerning its willingness to relocate to a non-short spaced site. The joint parties do not intend to use this opportunity to restate its position or discuss matters not directly raised by the two pleadings in question.

As a matter of fairness, if the staff accepts Natole's and
SUNY's late filed comments it should also accept SHU/RSB's

CERTIFICATE OF SERVICE

I, Veronica Abarre, a secretary in the law firm of Mullin, Rhyne, Emmons and Topel, P.C., do hereby certify that I have this 19th day of July, 1993, caused to be mailed by first class mail, postage prepared, copies of the foregoing "MOTION FOR LEAVE TO RESPOND TO 'NATOLE'S COMMENTS ON SUNY RESPONSE TO SHU/RSB SUPPLEMENTAL REPLY COMMENTS' AND TO 'SUNY RESPONSE TO SHU/RSB SUPPLEMENTAL REPLY COMMENTS'" to the following:

* Leslie K. Shapiro
Allocations Branch
Federal Communications Commission
2025 M Street, N.W.--Room 8313
Washington, D.C. 20554

Lewis E. Rosenthal, Esq.
State University of New York
State University Plaza
Albany, NY 12246
(Counsel to SUNY)

Todd D. Gray, Esq.
Dow, Lohnes & Albertson
1255 23rd Street, N.W.
Suite 500
Washington, D.C. 20037
(Counsel to SUNY)

Mr. Kyle E. Magrill
Magrill & Associates
P.O. Box 456
Orange Lake, FL 32681
(Consultant to SUNY)

* Hand Delivered

Steven C. Schaffer, Esq.
Schwartz, Woods & Miller
1350 Connecticut Avenue, N.W.
Suite 300
Washington, D.C. 20036
(Counsel to WMHT Educational
Telecommunications)

Allan G. Moskowitz, Esq.
Kaye, Scholer, Fierman,
Hays & Handler
901 15th Street, N.W.
Suite 1100
Washington, D.C. 20005
(Counsel to Bambi Broadcasting, Inc.)

Raymond A. Natole
P.O. Box 327
Shokan, NY 12481

A. Wray Fitch, III
Gammon & Grange, P.C.
8280 Greensboro Drive
Seventh Floor
McLean, VA 22102-3807
(Counsel for Raymond A. Natole)


Veronica Abarre